

THURSDAY, JANUARY 16, 2003

THIRD ORGANIZATIONAL DAY

CALL TO ORDER

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Dr. Kevin Shrum of the Inglewood Baptist Church in Nashville, Tennessee, a guest of Senator Haynes.

PLEDGE OF ALLEGIANCE

Senator Harper led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 31

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

COMMUNICATION

January 16, 2003

Lt. Gov. John Wilder

Please excuse Senator Doug Jackson from session today, January 16, 2003, due to bad weather.

Sincerely,

Per phone by Doug Jackson

APPROVED: Lieutenant Governor
John S. Wilder

ELECTION OF FISCAL REVIEW COMMITTEE

Mr. Speaker Wilder declared the election of the Committee on Fiscal Review as authorized by Chapter 7, Title 3, Tennessee Code Annotated, was now in order.

Senator Atchley placed in nomination the name of Senator Fowler for a position to the Fiscal Review Committee.

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Senator Ramsey seconded the nomination of Senator Fowler.

Senator Williams moved that the nominations cease, which motion prevailed.

The roll call was taken with the following results:

For Senator Fowler 29

Senators voting for Senator Fowler were: Atchley, Beavers, Bryson, Burchett, Burks, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--29.

Mr. Speaker Wilder declared Senator Fowler duly and legally elected to the Committee on Fiscal Review.

Senator Atchley placed in nomination the name of Senator Bryson for a position to the Fiscal Review Committee.

Senator Ramsey seconded the nomination of Senator Bryson.

Senator Williams moved that the nominations cease, which motion prevailed.

The roll call was taken with the following results:

For Senator Bryson 30

Senators voting for Senator Bryson were: Atchley, Beavers, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--30.

Mr. Speaker Wilder declared Senator Bryson duly and legally elected to the Committee on Fiscal Review.

Senator Atchley placed in nomination the name of Senator Southerland for a position to the Fiscal Review Committee.

Senator Ramsey seconded the nomination of Senator Southerland.

Senator Williams moved that the nominations cease, which motion prevailed.

The roll call was taken with the following results:

For Senator Southerland 30

Senators voting for Senator Southerland were: Atchley, Beavers, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--30.

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Mr. Speaker Wilder declared Senator Southerland duly and legally elected to the Committee on Fiscal Review.

MOTION

Senator Cooper moved that the rules be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 8**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 8 by Senator Cooper.
Memorials, Personal Achievement -- Fran Marcum.

On motion of Senator Cooper, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 8** was adopted by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

MOTION

Senator Cooper moved that the rules be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 9**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 9 by Senator Cooper.
Memorials, Personal Achievement -- Representative Butch Lewis, "Mr. Democrat".

On motion of Senator Cooper, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 9** was adopted by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Harper, Haynes, Henry, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--29.

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A motion to reconsider was tabled.

MOTION

Senator Norris moved that the rules be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 10**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 10 by Senator Norris.
Memorials, Public Service -- Ken Fulmar, Mayor of Bartlett.

On motion of Senator Norris, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 10** was adopted by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Trail, Walker, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

MOTION

Senator Crowe moved that Rule 38 be suspended for the purpose of placing the following resolutions on a consent calendar for today, January 16, 2003, which motion prevailed: **House Joint Resolutions Nos. 1, 2 and 3**; and **Senate Joint Resolutions Nos. 1, 2, 3 and 4**.

CONSENT CALENDAR

House Joint Resolution No. 1 -- Memorials, Death -- Barbara Ann Householder.

House Joint Resolution No. 2 -- Memorials, Death -- George A. "Gig" Painter, Jr.

House Joint Resolution No. 3 -- Memorials, Death -- Walter Duke.

Senate Joint Resolution No. 1 -- Memorials, Death -- Joe E. Torrence.

Senate Joint Resolution No. 2 -- Memorials, Academic Achievement -- Parker Ramsey, State Music Composition Competition Winner.

Senate Joint Resolution No. 3 -- Memorials, Congratulations -- John Furgess, Jr., election as National Junior Vice Commander-in-Chief, VFW.

Senate Joint Resolution No. 4 -- Memorials, Professional Achievement -- Anne B. Pope, Commissioner of Commerce and Insurance.

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Senator Crowe moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

PRESENTATION

Attorney General Paul Summers made a presentation.

MR. SPEAKER WILDER RELINQUISHES CHAIR

Mr. Speaker Wilder relinquished the Chair to Senator Haynes as Speaker pro tempore.

MR. SPEAKER WILDER RESUMES CHAIR

Mr. Speaker Wilder resumed the Chair.

INTRODUCTION OF BILL

The Speaker announced that the following bill was filed for introduction and passed first consideration:

Senate Bill No. 12 by Senator Trail.

Courts -- Enacts "Drug Court Treatment Act of 2003". Amends TCA Title 16.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that **Senate Bills Nos. 6 through 11** passed second consideration and were held on the Clerk's desk pending the appointment of the appropriate committees.

INTRODUCTION OF RESOLUTIONS

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 11 by Senator Trail.

Memorials, Government Officials -- Urges secretary of state to include "I AM TENNESSEE", official state declamation, in subsequent editions of Tennessee Blue Book.

Senate Joint Resolution No. 12 by Senator Trail.

Memorials, Heroism -- Halie Jacobs.

RESOLUTIONS LYING OVER

Senate Joint Resolutions Nos. 5 and 6 were held on the Clerk's desk pending the appointment of the appropriate committees.

MOTION

Senator Kyle moved that Rule 39 be suspended for the purpose of allowing any amendments to the Temporary Rules of Order filed by 10:00 a.m., Friday, January 17, 2003, to be considered timely filed, which motion prevailed by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Walker--28.

APPOINTMENT OF AD HOC COMMITTEE

Mr. Speaker Wilder announced the appointments to the Ad Hoc Committee on the Smoak Incident: Senators Cohen, Person, Ketron, Williams, Burks and Ford.

MOTION

On motion, all Senators' names were added as sponsors of **Senate Joint Resolutions Nos. 3, 4, 8, 9 and 10.**

MESSAGE FROM THE HOUSE

January 16, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 8 and 9, adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

January 16, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1, 2 and 3; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

January 16, 2003

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 1, 2 and 3.

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ENGROSSED BILLS

January 16, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 8, 9 and 10; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

January 16, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 1, 2, 3 and 4; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn until 10:00 a.m., Friday, January 17, 2003, which motion prevailed.